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EXAMINER	
GREY, CHRISTOPHER P	

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2616	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/930,827	SCHMIDT, DOMINIK J.	
	Examiner	Art Unit	
	CHRISTOPHER P. GREY	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 September 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,7,15-19,21 and 23-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,7,15-19,21 and 23-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-4, 7, 15 and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over, Kobylinski et al. (US 7242938), hereinafter referred to as Kobylinski, in view of Scholefiled et al. (US 5752193), hereinafter referred to as Scholefiled, and Gorsuch (US 6526034) and Himmel (US 6742052).

Regarding Claim 1, Kobylinski discloses a mobile device **(fig 1A, 14, notice the mobile station performs the function)** sniffing for available cellular frequency channels of the plurality of cellular channels in a mobile station **(fig 1a 14 and 16, where sniffing as defined by the specification involves an RSSI detection for the determination of favorable/available channels, see Col 3 steps 2, 3 and 4).**

Kobylinski does not specifically disclose the mobile station requesting, from a base station an allocation of cellular frequency channels from the available frequency channels, responsive to the requesting, the mobile device receiving an allocation of available cellular frequency channels at the mobile station, bonding a short range radio channel with the allocated cellular frequency channels, thus increasing available bandwidth for data communication between the mobile station and the base station and

transmitting data in parallel to the base station over the bonded short range radio channel and the allocated cellular frequency channels.

Scholefield discloses the mobile device requesting an allocation of cellular frequency channels from the mobile station in response to the request from the mobile station **(fig 6 depicts a mobile sending a request and receiving a response).**

Scholefield discloses responsive to the requesting, the mobile device receiving an allocation of available cellular frequency channels **(fig 6 depicts an allocation step in response to the request being made by the mobile station).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the method of Koylinski as taught by Scholefiled, since stated in Col 3 lines 55-58 that such a modification will conserve on bandwidth.

The combined teachings of Kobylinski and Scholefield do not specifically disclose bonding a short range radio channel with the allocated cellular frequency channels, thus increasing available bandwidth for data communication between the mobile station and the base station and transmitting data to the base station in parallel over the bonded short range radio channel and the allocated cellular frequency channels.

Gorsuch discloses bonding a short range radio channel with the allocated cellular frequency channels **(see fig 6, where the short range 802.11 and cellular CDMA components are combined for transceiving, where the output is thus a combined/bonded channel),** thus increasing available bandwidth for data communication between the mobile station **(fig 5, 617 and 615, notice that both**

elements are wirelessly connected to base stations 611 A and 605) and the base station **(Col 9 lines 65-67, BW management function allocates more BW).**

and transmitting data to the base station over the bonded short range radio channel and the allocated cellular frequency channels **(fig 5 depicts a mobile such as 615 and 617 communicating with base station 605 or 611).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the combined teachings of Kobylinski and Scholefield, as taught by Gorsuch, since stated in Col 4 lines 12-21, that such a modification will provide bandwidth as necessary at critical times.

The combined teachings of Kobylinski and Scholefield and Gorsuch do not specifically disclose in parallel.

Himmel discloses in parallel **(Fig 8B, 183 shows plural communication channels, and Col 8 lines 32-44 shows that the channels are parallel simultaneously transmitted channels having different frequencies).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the combined teachings of Kobylinski and Scholefield and Gorsuch, as disclosed by Himmel, since stated in Col 2 lines 28-30, that such a modification would allow for greater capacity.

Regarding claim 2, The combined teachings of Kobylinski and Scholefield do not specifically disclose wherein said transmitting includes the mobile device transmitting at a given point in time, a first portion of data on the allocated cellular frequency channels and a second portion of the data on a short range radio channel.

Gorsuch discloses wherein said transmitting includes the mobile device transmitting at a given point in time **(the examiner notes that any point in time is a given point in time)**, a first portion of data on the allocated cellular frequency channels and a second portion of the data on a short range radio channel **(Col 9 lines 16-24, where the data can be transmitted using the short range transceiver, and when the short range is no longer available, data is transmitted using the long range, thus data is transmitted in portions using different transceivers).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the combined teachings of Kobylinski and Scholefield, as taught by Gorsuch, since stated in Col 4 lines 12-21, that such a modification will provide bandwidth as necessary at critical times.

Regarding claim 3, The combined teachings of Kobylinski and Scholefield do not specifically disclose wherein the short range radio channel is Bluetooth or WLAN.

Gorsuch discloses wherein the short range radio channel is Bluetooth or WLAN (fig 6, 201 and 207 WLAN circuits).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the combined teachings of Kobylinski and Scholefield, as taught by Gorsuch, since stated in Col 4 lines 12-21, that such a modification will provide bandwidth as necessary at critical times.

Regarding claim 4, The combined teachings of Kobylinski and Scholefield do not specifically disclose the mobile device dynamically discovering a plurality of available radio channel including the short range radio channel.

Gorsuch discloses the mobile device dynamically discovering a plurality of available radio channel including the short range radio channel **(Col 9 lines 10-16, where the terminal actively/dynamically receives the response to the request, where this response indicates that the WLAN is within range and thus the channel/s are available for communication).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the combined teachings of Kobylinski and Scholefield, as taught by Gorsuch, since stated in Col 4 lines 12-21, that such a modification will provide bandwidth as necessary at critical times.

Regarding Claim 7, The combined teachings of Kobylinski and Scholefield discloses sniffing for available frequency channels as disclosed in the rejection of claim 1, where it would have been obvious to one of the ordinary skill in the art at the time of the invention that some form of circuitry is necessary to perform such a function, and furthermore, more than one sniffing circuit may be used to accomplish the sniffing task, and this combination of circuits is deemed as a parallel combination.

Regarding Claim 15, Kobylinski discloses transmitting cellular packet data conforming to one of the following protocols: cellular digital packet data, GPRS and EDGE **(see background, AMPS and GSM).**

Regarding Claim 24, Kobylinski does not specifically disclose the mobile station receiving from a user of the mobile device a request for a bandwidth sufficient to communicate at least one file.

Scholefield discloses receiving from a user of the mobile station a request for a bandwidth sufficient to communicate at least one file **(Col 4 lines 8-20, where the access request requests a certain number of channels depending on the size of data to be transmitted, where the data to be transmitted is equivalent to a file).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the invention of Kobylinski so as to request a specific amount of bandwidth for communication as disclosed by Scholefiled. The motivation for this combination is to conserve on bandwidth (Col 3 lines 55-58).

Regarding Claim 25, Kobylinski does not specifically disclose the mobile station determining a number of channels for the allocation request based on the size of the at least one file

Scholefield discloses the mobile station determining a number of channels for the allocation request based on the size of the at least one file **(Col 4 lines 8-13, determining how many channels based on size of data).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the mobile station as disclosed by Kobylinski to make the determination of the number of channels to request as disclosed by Scholefiled. The motivation for this modification is to conserve on bandwidth (Col 3 lines 55-58).

Regarding claim 26, The combined teachings of Kobylinski and Scholefield do not specifically disclose wherein said binding is performed responsive to a request from a user of the mobile device

Gorsuch discloses wherein said binding is performed responsive to a request from a user of the mobile device **(Col 9 lines 10-16, where the probe request is sent by the mobile, and when it is determined that no response has been received, long range is combined/bonded).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the combined teachings of Kobylinski and Scholefield, as taught by Gorsuch, since stated in Col 4 lines 12-21, that such a modification will provide bandwidth as necessary at critical times.

Regarding Claim 27, Kobylinski does not specifically disclose requesting the allocation of cellular frequency channels comprising requesting an allocation of preferably adjacent cellular frequency channels (portable terminal demands the master microprocessor for available radio channels.

Scholefiled discloses requesting the allocation of cellular frequency channels comprising requesting an allocation of preferably adjacent cellular frequency channels **(portable terminal demands the master microprocessor for available radio channels and Col 4 lines 15-25, where the mobile station sends a request to all three time slots 1-3, where in fig 2, time slots 1-3 are clearly adjacent).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the invention of Koblinski so as to perform a request and confirmation procedure as disclosed by Scholefiled. The motivation for this modification is to enable the transmission of data over a channel. The motivation for this combination is to conserve on bandwidth (Col 3 lines 55-58).

3. Claims 16, 17, 19, 23 and 30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scholefield et al. (US 5752193) in view of Gorsuch (US 6526034) in view of Himmel (US 6742052)

Regarding Claim 16, Scholefield discloses at least one of the processing units **(see fig 1, 106 for processor)** calculating a number of cellular frequency channels to request from a base station **(see fig 6 for requesting by mobile station to a base station)** for transmission of a file from the mobile device, wherein the number of requested cellular frequency channels corresponds to a size of the file **(Col 4 lines 8-13, determining how many channels based on size of data).**

Scholefield discloses a radio frequency sniffer coupled to the at least one of the transceivers **(fig 1 shows a processor, antenna and transceiver. Furthermore, Col 4 lines 42-44 discloses the mobile station in fig 1 using a scanning procedure, equivalent to sniffing, where the function requires some means inherently disclosed within the mobile station).**

Scholefield does not specifically disclose a long range transceiver unit communicating over a plurality of cellular frequency channels and a short range transceiver coupled to the processing units and configured to communicate over a short range radio channel, wherein the sniffer is configured to provide signals used to dynamically discover available radio channels including the short range radio channel, a circuit configured to bond the short range radio channel with one or more of the plurality of cellular frequency channels, thus increasing a bandwidth of data communication between the mobile device and the base station, wherein the long range transceiver and

the short range communication are configured to transmit respective portions of the file to the base station in parallel over the bonded short range radio channel and one or more of the plurality of cellular frequency channels allocated by the base station.

Gorsuch discloses a long range transceiver unit **(fig 6, 140)** communicating over a plurality of cellular frequency channels **(fig 2 shows a plurality of cellular channels)** and a short range transceiver **(fig 6, 240)** coupled to the processing units and configured to communicate over a short range radio channel,

wherein the sniffer is configured to provide signals used to dynamically discover available radio channels including the short range radio channel **(Col 9 lines 10-15, where the signals/requests are sent actively/dynamically, in order to determine the availability of the short range channel/s),**

a circuit **(fig 6, 211b, where the short range and long range are combined/bonded)** configured to bond the short range radio channel with one or more of the plurality of cellular frequency channels, thus increasing a bandwidth of data communication between the mobile device and the base station **(Col 9 lines 65-67, BW management function allocates more BW)**,

wherein the long range transceiver and the short range communication are configured to transmit respective portions of the file to the base station over the bonded short range radio channel and one or more of the plurality of cellular frequency channels allocated by the base station **(Col 9 lines 16-24, where the data can be transmitted using the short range transceiver, and when the short range is no longer**

available, data is transmitted using the long range, thus data is transmitted in portion using different transceivers).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the method of Scholefield, as taught by Gorsuch, since stated in Col 4 lines 12-21, that such a modification will provide bandwidth as necessary at critical times.

The combined teachings of Scholefield and Gorsuch do not specifically disclose in parallel.

Himmel discloses in parallel **(Fig 8B, 183 shows plural communication channels, and Col 8 lines 32-44 shows that the channels are parallel simultaneously transmitted channels having different frequencies).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the combined teachings of Scholefield and Gorsuch, as disclosed by Himmel, since stated in Col 2 lines 28-30, that such a modification would allow for greater capacity.

Regarding Claim 17, Scholefield discloses the reconfigurable processor core including a plurality of digital signal processors **(Col 7 lines 30-41, DSP's).**

Regarding Claim 19, Scholefield does not specifically disclose router coupled to the one or more processing units.

Gorsuch discloses a switch/router coupled to the one or more processing units (to switch from direct RF interface to the use of Bluetooth interface ,fig 6, 211).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the method of Scholefield, as taught by Gorsuch, since stated in Col 4 lines 12-21, that such a modification will provide bandwidth as necessary at critical times.

Regarding Claim 23, Scholefield discloses the reconfigurable processor core being configured to determine a number of channels to be used for the data communication based upon a user request for the data communication **(Col 4 lines 8-13, determining how many channels based on size of data).**

Regarding claim 30, Scholefield discloses first means for requesting, from a base station, an allocation of available cellular frequency channels **(Col 4 lines 8-20, requesting being made on each channel).**

Scholefield does not specifically disclose second means for binding a short range radio channel with allocated cellular frequency channel to increase available bandwidth for data communication between the mobile communication device and the base station and third means for transmitting data to the base station in parallel over the bonded short range radio channel and the allocated cellular frequency channels.

Gorsuch discloses second means for bonding a short range radio channel with allocated cellular frequency channel **(fig 6, where the switch 211 bonds both the long and short range devices and channels)** to increase available bandwidth for data communication between the mobile communication device and the base station **(Col 9 lines 65-67, BW management function allocates more BW)**

and third means for transmitting data to the base station over the bonded short range radio channel and the allocated cellular frequency channels **(antenna 150 in fig 6 is equivalent to a 3rd means for transmitting the bonded short and long range data to the base stations).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the method of Scholefield, as taught by Gorsuch, since stated in Col 4 lines 12-21, that such a modification will provide bandwidth as necessary at critical times.

The combined teachings of Scholefield and Gorsuch do not specifically disclose in parallel.

Himmel discloses in parallel **(Fig 8B, 183 shows plural communication channels, and Col 8 lines 32-44 shows that the channels are parallel simultaneously transmitted channels having different frequencies).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the combined teachings of Scholefield and Gorsuch, as disclosed by Himmel, since stated in Col 2 lines 28-30, that such a modification would allow for greater capacity.

Regarding claim 32, The combined teachings of Scholefield and Gorsuch do not specifically disclose wherein said third means is configured to transmit, in parallel, data from the mobile communication device to the base station using the one or more bonded short range radio channels and the one of more allocated cellular frequency channels.

Himmel discloses wherein said third means is configured to transmit, in parallel **(fig 8D, 183 shows parallel transmission)**, data from the mobile communication device **(fig 8D see physical device)** to the base station **(fig 8B, where 128 is equivalent to base station)** using the one or more bonded short range radio channels and the one of more allocated cellular frequency channels **(Col 8 lines 32-44, where the communication between the peripheral device and computer is via parallel channels, where these channels are of different frequencies, where a first group of channels may be of a first frequency equivalent to a bonded short range channel, and a second group of channels maybe of a different frequency equivalent to cellular frequency channels, where Himmel supports any means for establishing wireless connections according to Col 11 lines 51-62).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the combined teachings of Scholefield and Gorsuch, as disclosed by Himmel, since stated in Col 2 lines 28-30, that such a modification would allow for greater capacity.

4. Claims 18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scholefield et al. (US 5752193) in view of Gorsuch (US 6526034) in view of Himmel (US 6742052) as applied to the rejected claims above, and further in view of Rosener et al. (US 2002/002865)

Claim 18 The combined teachings of Scholefield and Gorsuch do not specifically disclose the reconfigurable processor core including one or more reduced instruction set computer processors.

Rosener discloses the reconfigurable processor core including one or more reduced instruction set computer processors **(claim 17 and fig 9).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the combined teachings of Scholefield and Gorsuch as taught by Rosener, since stated in Para 0060, that such a modification will allow the phone to access a Bluetooth network and another long range network associated with the base station.

Claim 21 Scholefield discloses an integrated circuit **(Col 7 lines 30-40).**

The combined teachings of Scholefield and Gorsuch do not specifically disclose the reconfigurable processor core comprising an integrated circuit formed on a single substrate including the one or more processing units, the long range transceiver, and the short range transceiver

Rosener discloses the reconfigurable processor core comprising an integrated circuit formed on a single substrate including the one or more processing units, the long range transceiver, and the short range transceiver (see figs 9 A and B).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the combined teachings of Scholefield and Gorsuch as taught by Rosener, since stated in Para 0060, that such a modification will allow the phone to

access a Bluetooth network and another long range network associated with the base station.

5. Claims 28 and 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over, Kobylinski et al. (US 7242938), hereinafter referred to as Kobylinski, in view of Gorsuch (US 6526034) in view of Himmel (US 6742052).

Regarding claim 28, Kobylinski discloses a radio frequency sniffer unit configured to detect available cellular frequency channels and short-range radio channels**(fig 1a 14 and 16, where sniffing as defined by the specification involves an RSSI detection for the determination of favorable/available channels, see Col 3 steps 2, 3 and 4).**

Kobylinski does not specifically disclose a processing unit configured to request, from a base station, an allocation of one or more of the available cellular frequency channels; a long-range transceiver and a short-range transceiver both coupled to the processing unit and configured to communicate over the cellular frequency channels and the short-range radio channels, respectively; and a circuit coupled to the long-range transceiver and the short-range transceiver and configured to bond one or more available short-range radio channels with one or more allocated cellular frequency channels, thus increasing a bandwidth of data communication between the mobile communication device and the base station; wherein the long-range transceiver and a short-range transceiver are further configured to transmit data to the base station over the one or more bonded short-range radio channels and the one or more allocated cellular frequency channels.

Gorsuch discloses a processing unit configured to request, from a base station, an allocation of one or more of the available cellular frequency channels **(Col 9 lines 10-15, probe request).**

a long range transceiver unit **(fig 6, 140)** communicating over a plurality of cellular frequency channels **(fig 2 shows a plurality of cellular channels)** and a short range transceiver **(fig 6, 240)** coupled to the processing units and configured to communicate over a short range radio channel,

a circuit **(fig 6, 211b, where the short range and long range are combined/bonded)** configured to bond the short range radio channel with one or more of the plurality of cellular frequency channels, thus increasing a bandwidth of data communication between the mobile device and the base station **(Col 9 lines 65-67, BW management function allocates more BW)**,

wherein the long range transceiver and the short range communication are configured to transmit respective portions of the file to the base station over the bonded short range radio channel and one or more of the plurality of cellular frequency channels allocated by the base station **(Col 9 lines 16-24, where the data can be transmitted using the short range transceiver, and when the short range is no longer available, data is transmitted using the long range, thus data is transmitted in portion using different transceivers).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the method of Kobylinski, as taught by Gorsuch, since

stated in Col 4 lines 12-21, that such a modification will provide bandwidth as necessary at critical times.

The combined teachings of Kobylinski and Gorsuch do not specifically disclose in parallel.

Himmel discloses in parallel **(Fig 8B, 183 shows plural communication channels, and Col 8 lines 32-44 shows that the channels are parallel simultaneously transmitted channels having different frequencies).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the combined teachings of Kobylinski and Gorsuch, as disclosed by Himmel, since stated in Col 2 lines 28-30, that such a modification would allow for greater capacity.

Regarding claim 29, The combined teachings of Kobylinski and Gorsuch and Himmel do not specifically disclose wherein the long range transceiver and a short range transceiver are further configured to concurrently transmit data to the base station over both the one or more bonded short range radio channels and the one or more allocated cellular frequency channels.

Himmel discloses wherein the long range transceiver and a short range transceiver **(Col 8 lines 35-38, where up to 8 different transceivers are used, each broadcasting on a different frequency, where the frequencies determine long range or short range)** are further configured to concurrently transmit data **(Col 8 lines 40-42, where data is transmitted simultaneously)** to the base station over both the one or more bonded short range radio channels and the one or more allocated cellular

frequency channels **(fig 8B, 183 shows plural channels communicating data from a wireless device 134 to a base station 128).**

6. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scholefield et al. (US 5752193) in view of Gorsuch (US 6526034) in view of Himmel (US 6742052) as applied to rejected claims above, and further in view of Kobylinski (US 7242938)

Regarding claim 31, The combined teachings of Scholefield and Gorsuch and Himmel do not specifically disclose fourth means for sniffing for available cellular frequency channels.

Kobylinski discloses fourth means for sniffing for available cellular frequency channels **(fig 1a 14 and 16, where sniffing as defined by the specification involves an RSSI detection for the determination of favorable/available channels, see Col 3 steps 2, 3 and 4).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the combined teachings of Scholefiled and Gorsuch and Himmel, as taught by Kobylinski, since stated in the abstract that such a modification will improve the use of received signal strength measurements.

Response to Arguments

9. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER P. GREY whose telephone number is (571)272-3160. The examiner can normally be reached on 10AM-7:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Moe Aung can be reached on (571)272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aung S. Moe/
Supervisory Patent Examiner, Art Unit 2616

/Christopher P Grey/
Examiner, Art Unit 2616